

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-4601

Summary Calendar

HAROLD J. VINCENT,

Plaintiff-Appellant,

versus

RICHARD J. STALDER,

Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Louisiana
(CA-91-1460-P)

February 18, 1993

Before HIGGINBOTHAM, SMITH, and DeMOSS, Circuit Judges.

PER CURIAM:*

Harold J. Vincent is an inmate at Wade Correctional Center in Louisiana. Proceeding pro se and in forma pauperis, he filed this 42 U.S.C § 1983 suit in U.S. District Court for the Western District of Louisiana, naming as defendants former Governor Buddy Roemer, former Secretary of the Louisiana Department of Public Safety and Corrections Bruce N. Lynn, and prison officials Richard Stalder and Jerry Cantrell. After Vincent was ordered to amend his

*Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

complaint to allege facts sufficient to support his claims, the district court adopted the recommendation of the magistrate and dismissed the complaint as frivolous. 28 U.S.C. § 1915 (d). Vincent has appealed. We affirm.

I.

A district court may sua sponte dismiss complaints filed in forma pauperis where the complaint lacks an arguable basis in law or fact. Such dismissals are reviewed for abuse of discretion. Denton v. Hernandez, 112 S.Ct. 1728, 1733-34 (1992).

Vincent asserts: 1) that prison officials have conspired to kill him; 2) that he has been denied psychological and medical treatment; 3) that he has been denied educational and vocational training; 4) that he has been denied access to legal materials; and 5) that prison officials have improperly refused his requests for transfer to the federal prison system. The first two claims alleging a conspiracy among prison officials and a denial of medical treatment are not supported by any references to specific facts. The district court therefore did not abuse its discretion in dismissing the claims on this basis.

The district court's dismissal of Vincent's last three claims was also proper. Vincent argues that the defendants' refusal either to supply sufficient educational and vocational training or transfer him to a federal prison where better programs might be available contravenes Louisiana statutes directing prison officials to establish rehabilitation programs, see LSA-R.S. § 15: 828, and authorizing transfers of state inmates to federal prisons. See LSA-

R.S. § 15:836. Claims rooted in violations of state law, however, are not, as such, cognizable under § 1983, which protects federal rights against government encroachment. Relief is warranted only where breaches of state law rise to a constitutional dimension.

Vincent's claim regarding the inadequacies of rehabilitative services at WCC fails for this reason, as we have held "a state has no constitutional obligation to provide basic educational or vocational training to prisoners." Beck v. Lynaugh, 842 F.2d 759, 762 (5th Cir. 1988) (citing Newman v. Alabama, 559 F.2d 283, 292 (5th Cir. 1977), rev'd in part on other grounds, 438 U.S. 781, cert. denied, 438 U.S. 915 (1978)). Similarly, Vincent's assertion of prison officials' denials of his request for a transfer to federal prison as grounds for § 1983 relief conflicts with the well-established rule that inmates have no constitutional right to contest their places of incarceration or demand transfers to other prisons. See, e.g., Olim v. Wakinekona, 461 U.S. 238 (1983).

Vincent finally contends that he has been denied access to legal materials in violation of Bounds v. Smith, 430 U.S. 817 (1977). "A denial-of-access-to-the-courts claim is not valid if a litigant's position is not prejudiced by the alleged violation." Henthorn v. Swinson, 955 F.2d 351, 354 (5th Cir. 1992). Here, the several suits filed by Vincent belie any suggestion of prejudice. Richardson v. McDonnell, 841 F.2d 120, 122 (5th Cir. 1988); see also Vincent v. Waldo, No. 92-4604 (5th Cir. Aug. 31, 1992). The district court's dismissal of Vincent's complaint as frivolous is therefore AFFIRMED.

AFFIRMED.